REMARKS

Applicants have amended the first page of the Specification in order to update the status of the parent application. It is respectfully submitted that this Amendment of the Specification does not add new matter to the application. In addition, in light of this amendment of the Specification, Applicants have complied with the suggestion by the Examiner in Item 5 on page 2 of the Office Action mailed February 6, 2006, (the "Office Action"), to update the status of the prior U.S. application.

The restriction requirement set forth in Item 6 on pages 2 – 4 of the Office Action is noted. In order to provide a complete response, Applicants respectfully elect the Group I claims, that is, as set forth by the Examiner, claims 19 –23, 25 – 27, 29 and 33 – 38 drawn to an isolated DNA comprising SEQ ID NO: 9, a recombinant DNA, a transformant, and a method for producing a protein complex. For reasons as set forth in the following, this election is respectfully made with traverse.

As to reasons that Applicants respectfully traverse the restriction requirement, note that claim19 recites an isolated DNA including one DNA selected from each of Groups 1 – 8. Thus, it is respectfully submitted that claim 19, as claimed, requires a selection from each of the recited eight groups. Accordingly, basis for the conclusion by the Examiner that respective claims of Groups I – VIII are drawn to isolated DNA including SEQ ID NO: 9 – 16, respectively, is not understood. Again, clearly, the present claims require selection from each of Groups 1 – 8 in claim 19.

The contention by the Examiner in Item 8 on page 4 of the Office Action, that the nucleic acid of Groups I – VIII are related as sub-combinations disclosed as useable together in a single combination, the Examiner pointing specifically to claims 20 and 21,

is noted. However, please note that the present invention is based on F_0F_1-ATPase which is a complex of sub-units α, β, γ, δ, ε, a, b and c. The peptides encoding by the nucleic acids of Groups I – VIII are sub-units of F_0F_1-ATPase, and it is respectfully submitted that the respective individual polypeptides encoded by the nucleic acids of Groups I – VIII have no F_0F_1-ATPase activity by themselves. The nucleic acids of Groups I – VIII, as disclosed and claimed according to the present invention, are useable together (note, e.g., claim 20; see also claim 19, reciting selection of one from each of Groups 1 – 8), and it is respectfully submitted that Groups I – VIII as listed by the Examiner on pages 3 and 4 of the Office Action should be considered together, especially in view of the subject matter of claim 19 as claimed.

In summary, reconsideration and withdrawal of the restriction requirement set forth on pages 2 – 4 of the Office Action, and examination of all of the subject matter presently being claimed in the above-identified application, in due course, are respectfully requested.

In any event, Applicants respectfully elect the Group I claims, which the Examiner alleges are drawn to an isolated DNA comprising SEQ ID NO: 9, a recombinant DNA, a transformant, and a method for producing a protein complex, for further prosecution on the merits in the present application, with this election made with traverse. Moreover, Applicants respectfully request entry of the present amendments to the Specification, prior to examination of the above-identified application.

To the extent necessary, Applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to the Antonelli, Terry, Stout & Kraus, LLP

Deposit Account No. 01-2135 (Docket No.506.40345VX1), and please credit any excess fees to such Deposit Account.

Respectfully submitted,

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